

REMARKS

This is in full and timely response to the election of invention requirement in the Action of November 18, 2003, for which a month was allotted for reply.

The Applicant, through its representatives and attorneys, hereby provisionally elects with traverse the invention of Group I, having claims 1-10 and 20-23, drawn to an optical element and an optical pickup utilizing the optical element, classified in class 359, subclass 642+. Please hold claims 11-19, drawn to method of producing an optical element, classified in class 216, subclass 26 in abeyance pending reconsideration of the election requirement and this request for rejoinder.

A reason for the traverse is under MPEP 821.04. Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon to elect claims to either the product or the apparatus. If the applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitation of the allowable product claim will be rejoined. By this response, the applicant has thus preserved its right to rejoinder under the conditions there stated.

Reexamination of the requirement is specifically requested, and early examination on the merits of the application is respectfully requested.

Respectfully submitted,

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